

REMARKS/ARGUMENTS

Claims 1-10 are currently pending in this application.

Claim Rejections - 35 USC § 102

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. §102(b) as anticipated by Cunningham (U.S. Patent No. 2,858,051). Applicants respectfully traverse this rejection.

The invention claimed in claim 1 is a Flow Promotion Device for a Bulk Bag Discharger as shown in Figure 1 and Figure 2, and includes a center plate 30 pivotably connected to a frame 18 of the bulk bag discharger 10. Extension plates 32 are pivotably attached to each end of the center plate 30. Each extension plate 32 includes a lever arm 36, and a connecting element 40 is located between the lever arm 36 on each of the extension plates 32 and the frame 18. An actuator 12 is connected between the center plate 30 and the frame 18 whereby upon activation of the actuator 12, the center plate 30 is moved upwardly, and the extension plates 32 are pivoted upwardly and inwardly relative to the center plate by the connecting elements 40 in order to press against the bag from at least three different directions.

In contrast to the present invention, Cunningham discloses a bulk bag unloader having a collapsible container emptying apparatus in which all of the

arms pivot about shafts located in a common plane, as shown in Figure 1. Referring to Figure 2, the collapsible container emptying apparatus comprises a set of diametrically opposed radial arms (10) mounted to as shaft elements (12). Each shaft element (12) has two ends, and the ends of adjacent shafts are connected via universal joints (13) such that once all shaft ends are joined the resultant form is an octagon. Every other shaft element (12) is journaled in a bearing (14) and each bearing (14) is secured to a frame (11) of the bulk bag unloader. An actuator (16) is connected to each radial arm (10) that is connected to a journal supported shaft element (12), to pivot the radial arm via the shaft element (12).

The present "center plate" with "extension plates" pivotably attached to each end are not suggested or disclosed by the diametrically opposed radial arms shown in the Cunningham patent. While it is possible that the diametrically opposed radial arms could be said to correspond to the center plate, as the examiner suggests, because arguably each radial arm (10) is "pivotably connected to a frame of the bulk bag discharger;" Cunningham fails to suggest or disclose any type of "extension plate" that is "attached to each end of the center plate." The radial arms in Cunningham are connected to a shaft element which is connected to the frame via a journal bearing. The ends of each shaft element are connected to a universal joint which is then connected to another shaft element and finally to a surface of the radial arm; however, none of the radial arms shown in the Cunningham patent are

connected to the end of any of the other radial arms and they clearly cannot pivot relative to one another. By contrast, each "extension plate" of the present invention is pivotably connected "to each end of the center plate;" not to the frame. As a result, assuming arguendo that the radial arms of Cunningham are equivalent to the "center plate", the radial arms cannot also be equivalent to the "extension plates." These are two distinct elements of the present invention, and Cunningham does not suggest or disclose anything pivotably connected to the ends of his radial arms that can pivot, instead everything pivots relative to the frame of the bulk bag discharger.

Additionally, there is no suggestion or disclosure of a lever arm on each extension plate and a connecting element between the lever arm and the frame in Cunningham. Only the radial arms that are connected to the actuators of Cunningham have any "structure configuration" that is referenced in the Action. No lever arm is provided, and the Action is wholly unclear as to what could then be considered a "connecting element" so that each "extension plate" has (1) a pivotable attachment to a center place, (2) a lever arm, and (3) a connection element that extends from the lever arm to the frame. Assuming arguendo that the shafts (12) are the pivotable attachments; the other two items are wholly absent.

Claim(s) 2-4 and 6-8 depend from claim 1, which is believed to be allowable over the cited prior art of record and should therefore be allowable for the same

reasons provided above in connection with claim 1. No detailed rejection of method claims 9 and 10 was provided in the Action. Accordingly, the rejection was improper and should be withdrawn. To the extent that claims 9 and 10 also recite the extension plates pivotably connected to the center plate, the lever arm and the connection, these claims should be patentable over Cunningham for the reasons noted above in connection with claim 1.

Accordingly, withdrawal of the §102 rejection of claims 1-4 and 6-10 is respectfully requested.

Claim Rejections - 35 USC § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cunningham in view of Gottschald (U.S. Patent 3,037,787). Applicants respectfully traverse this rejection.

Claim 5, depends from claim 1 and recites that the connecting element is a link with ball joints. Gottschald also fails to suggest or disclose the any type of "extension plate" that is attached to each end of a "center plate." Gottschald discloses only an extendable connecting element with first and second ball joints and is wholly unrelated to an "extension plate" or "center plate." The Action fails to explain how Cunningham, which lacks any type of link located between the lever arm of an extension ring and the frame, could ever be combined with Gottschald as the location of the Gottschald link would be a mystery. It is also unclear how the

front end suspension of a motor vehicle in Gottschald could ever be considered relevant technology to the bulk bag discharger of the invention. Therefore, the Gottschald reference not only appears to be irrelevant, but the Action also fails to indicate how it can ever be combined with, let alone supplement the shortcomings of Cunningham.

Accordingly, withdrawal of the obviousness rejection of claim 5 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

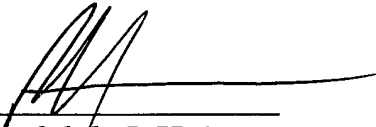
Applicant: Sterner et al.
Application No.: 10/826,514

In view of the foregoing remarks, Applicants respectfully submit that the present application, including claims 1-10, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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By



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